Just Employment on University Campuses

Submitted to:
United Association for Labor and Education
2016 Annual Conference
Connecting the Dots: Race, Labor, Community, and Education

Submitted by:
Nick Wertsch
Kalmanovitz Initiative for Labor and the Working Poor
Georgetown University

Date:
April 15, 2016
Introduction

Academic communities in higher education can serve as the world writ small. Students, workers, faculty members, staff, and administrators all inhabit the same proximate physical space throughout the academic year, and this environment stimulates new ideas, creative energy, and critical thinking. Campuses are where people live, eat, sleep, study, debate, work, argue, relax, and learn. This immersive experience at college and university campuses is what makes them such special places for cultivating the life of the mind.

The benefits of this educational environment redound on society writ large. Daniel Patrick Moynihan allegedly once quipped that “if you want to build a world class city, build a great university and wait 200 years.” While there is no doubt that universities have contributed to advances in education and research, we must also ask: are colleges and universities building a more just society?

Colleges and universities wield a tremendous amount of economic power on their campuses and within their communities. Their size as institutions and their influence on the development of neighborhoods, businesses, and cities positions these institutions to have a dramatic impact on living standards.

While universities have a long history of developing advances in technology and research, they have just as long a history of cultivating the political awakening and civic engagement of students and workers. Sometimes, however, it is the students and workers who politically awaken the university. Institutions of higher education do not have to wait 200 years to have an immediate and positive effect on the lives of those who labor to keep our colleges and universities open, functioning, and serving its educational mission.

This paper examines a specific policy model for redesigning our universities and colleges with a vision for an economically just and inclusive community. This model policy, known as a Just Employment Policy, focuses on the dignity of labor and the centrality of campus workers to the success of the university’s mission and the legitimacy of the university’s contributions to the greater good. The model Just Employment Policy requires a university to guarantee workers a living wage, strive for full-time employment and employee continuity, protect workers’ rights to organize unions and to collectively bargain, establish a dignified workplace, and apply these principles to both direct employees and contract workers on campus.

The principles of the model Just Employment Policy create a framework for students, faculty, campus workers, and administrators to engage issues of economic justice as it relates to the campus community and beyond it. To paraphrase Moynihan: to build a just city, build a just university.
Challenges Facing Workers

Income and wealth inequality have steadily grown in the United States over the last three decades. In 1980 the average CEO-to-worker pay ratio was 42:1. In 2014 the ratio had ballooned to 373:1.\(^1\) While worker productivity has grown by 80% between 1973 and 2011, hourly compensation for workers has barely risen at all.\(^2\) Even after the 2008 economic crash income for the top 1% of income earners captured more than half of all total real income growth from 2009 to 2014 while the bottom 99% of families only received 42\%.\(^3\)

Since the recession ended in 2009, more than half of all job growth has been low-wage work.\(^4\) More than a third of American workers are “contingent workers” such as temporary or part-time employees,\(^5\) and the wage share of the economy has fallen to a record low.\(^6\)

Labor law has failed to protect workers when they attempt to organize for better pay and work conditions. Union membership has been on a precipitous decline for more than 50 years, dropping from a peak of 35% unionization in the workforce in 1954 to 11.3% unionization in 2013, even though a majority of workers had a favorable opinion of labor unions.\(^7\) Adjusted for inflation, the federal minimum wage has not risen about its peak real value in 1968 (at the equivalent of $8.54 in 2014 dollars),\(^8\) and there is little hope for national politics to resolve this issue in the near future. Attempts to strengthen labor law protections at the federal level have failed under four Democratic presidents over the last half century.

Additionally, much of the widening income and wealth gap can be traced to large structural changes in the economy\(^9\) and the changing nature of employment. As has been extensively covered elsewhere,\(^10\) workers often find themselves in roles that were not originally contemplated by major labor law protections. These new work relationships in a fissured economy obscure the chain of responsibility for employers and frequently leave workers locked in disputes with subcontractors, franchisees, and employers within the supply chain who lack the power to resolve larger problems.

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These challenges facing workers have manifested themselves at institutions of higher education as well. The number of positions at the top tier of university administrations has grown by 141 percent between 1976 to 2011. Pay for “chief executive officers” within universities has grown at close to 175 percent over the same period.\textsuperscript{11} As of 2013, more than 200 private college employees earned more than $1 million per year.\textsuperscript{12}

At the same time, the number of part-time and full-time non-tenure track faculty positions have grown by 286 percent and 259 percent, respectively.\textsuperscript{13} More than 700,000 university workers earn less than a living wage; in fact, a large number of the food service, janitorial, groundskeeping, and security workers do not even earn enough to meet the federal poverty line of $24,300 a year.\textsuperscript{14}

However, there are intriguing possibilities for holding this institutions accountable to the communities they serve, enlisting them in the larger effort to protect workers’ rights, and winning living wages for workers.

**Anchor Institutions and Their Potential for Economic Justice**

Anchor institutions can be defined by a number of characteristics, but perhaps most saliently they are large, place-based nonprofit organizations that are among the largest employers and purchases of goods and services in a region.\textsuperscript{15}

Universities and colleges fall squarely within the definition of being an anchor institution. The 4,000 colleges and universities in the United States “spend more than $400 billion annually, own more than $300 billion in endowment investments, and employ roughly three million faculty and staff.”\textsuperscript{16} These institutions have a massive economic impact on communities. Consequently, their policies regarding workers not only affect those directly employed by the institutions but also the many smaller businesses and service providers catering to the institutions’ needs on a more limited contractual basis.

In the 1980s many universities began to shed employment by outsourcing certain services on their campuses: bookstores, food services, custodial services, and security.\textsuperscript{17} Women, African-Americans, and Latinos are overrepresented in low-wage work compared to their proportion of the population, and they are particularly overrepresented in these

\begin{footnotesize}
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\item Colleen Flaherty, “Professor Pay Up 2.2%,” *Inside Higher Ed*, April 7, 2014. Online.
\item Flaherty, *Ibid*.
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\end{footnotesize}
outsourced service industries. Much of this outsourcing was driven by a new management strategy that gained steam throughout the 1980s and 1990s that urged companies and institutions to focus on their core competencies and shed any extra (and unnecessary) tasks or services. This also had the effect of distancing these large companies and institutions from any responsibilities they previously held towards those workers as their employer. By contracting out the work, universities and colleges essentially washed their hands of liability for employment law violations and labor disputes.

Although colleges and universities mirrored these larger corporate fissuring trends occurring throughout the rest of the economy, higher education institutions are notably different from traditional private businesses in several key regards.

First, the vast majority of colleges and universities are nonprofit institutions. As such, they are held to a different moral and ethical standard in the public eye, and they frequently espouse a commitment to the public good in their mission statements. This commits colleges and universities to something greater than their own self-interest, and this obligation can serve as a standard for holding institutions accountable. The image or brand of a university depends significantly on its good reputation, and its good reputation depends on public perceptions of whether the university is, in fact, doing good things for the community.

Second, because of the place-based nature of these anchor institutions, workers and campus community members frequently encounter one another in the same spaces. This allows workers, both directly employed and contracted, to develop relationships with one another and the larger community. These relationships allow workers to communicate about their work conditions and to share this information with other non-workers. While these traits may also be true of some private for-profit businesses, many business models have come to rely on strategies that isolate individual workers or clusters of workers from frequent interactions with the rest of a company’s workforce or its customers.

And third, unlike any non-unionized private for-profit business, colleges and universities have special free speech provisions for two specific groups of community members: tenured faculty and students. Tenured faculty members command strong employment protections and job security; this allows tenured faculty to publicly disagree with university administrative leadership without fear of being fired. There are also strong norms in support of free speech on campuses related to the academic mission of higher education institutions and value placed on free discourse. Students also enjoy strong free speech protections. This is partly because of the norms of academic communities, but it is also because of the students’ economic relationship to their school: the students are the customers. Colleges and universities derive a large chunk of their income from tuition dollars and from alumni donations. Therefore, it is in schools’ interest to keep current

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19 Milstone, Ibid.
tuition-paying students and future potential alumni donors satisfied with their educational experience.

All of these factors contribute to an environment at higher education institutions that allows workers and student or faculty allies to exert considerable pressure for policy changes. The success of such campaigns for policy changes depends significantly on the organizing capacity and effective coordination of these particular stakeholders.

Workers and campus allies have tested their ability to gain living wages and stronger worker protections through numerous campaigns at universities across the country over the previous two decades with varying results. Where these campaigns have succeeded, some universities have implemented their own living wage policies that guarantee that all workers on their campuses receive a living wage.

Jesuit and Catholic colleges and universities have been particularly active on this issue because of the moral focus of their mission statements and the influence of their religious identity. Of the 28 Jesuit colleges and universities, Loyola University of New Orleans has adopted a policy that promises living wages to contract workers on their campuses. Georgetown University has also adopted a policy that provides living wages to all workers on campus (both direct employees and contract workers) and includes explicit union organizing protections.

These policies were not adopted without friction, and it is worth exploring the events that led one of these institutions to adopt such a policy.

Georgetown University’s Living Wage Hunger Strike and the Just Employment Policy

The “Living Wage” Fight Precedent
Georgetown has a progressive labor policy known as the Just Employment Policy (JEP). The JEP sets a living wage standard for all direct employees and contract employees working on Georgetown’s campuses that is updated annually to keep pace with inflation; it asserts the right to appropriate grievance procedures and access to campus community resources, like the library, ESL programs, and transportation shuttles; and it states that all workers have “the right to freely associate and organize.” It also includes provisions for a standing university committee—the Advisory Committee on Business Practices—that is charged with seeking to efficiently implement the policy. For a better understanding of why Georgetown has such a policy we must take a brief look at the university’s history of labor organizing.

23 Ibid.
24 Ibid.
In 2002 Georgetown undergraduate students began to build relationships with contracted janitorial workers and to bring workers’ concerns to the attention of the university administration. Students and workers organized for the following three years with a strategy of gradually escalating their organizing tactics to pressure the university to raise wages for workers. At the same time, a standing university committee that included students, faculty, and administrators sought to explore how to foster a better environment for campus workers. In January of 2005 this standing committee created a Living Wage Subcommittee that would provide the deeper attention necessary for deciding how to arrive at a figure for a living wage, and ultimately this subcommittee created a draft Just Employment Policy for the larger standing committee.\(^{25}\)

However, students felt that this draft policy was still not strong enough, and the coalition of students involved in the living wage campaign launched a hunger strike in March 2005. The hunger strike combined a public fast by students, outreach to faculty and DC community leaders for support,\(^{26}\) and an intensive media campaign to draw attention to the issue. Appealing to the Georgetown’s Catholic and Jesuit identity, organizers timed the hunger strike to coincide with the Holy Week leading up to Easter, and the organizers employed language and rhetoric from Catholic Social Teaching in various ways.\(^{27}\) During this hunger strike, the Living Wage Subcommittee continued to meet and to work towards a consensus on what an acceptable Just Employment Policy could look like.

With students calling for changes to university policy, mounting public pressure, and the Living Wage Subcommittee constantly bringing together students, faculty, and administrators to seek a solution, the university announced in late March a comprehensive policy relating to wages and other rights of campus workers.\(^{28}\) Under this policy, the lowest total compensation rate went up from $11.33 an hour to $13 an hour by July 2005 and to $14 an hour by July 2007.\(^{29}\) At the beginning of the campaign students had asked for nearly $15 an hour for workers but scaled back their demands as part of negotiations.\(^{30}\)

**The Just Employment Policy**

While the vast majority of media attention focused on the wage increases, the policy that the university ultimately adopted included more than a commitment to ensuring that full-time workers could earn a living wage, whether directly employed by the university or by one of its contractors. The JEP affirmed a number of rights for workers whether directly employed by the university or by its on-campus contractors: These provisions included:

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\(^{27}\) United Students Against Sweatshops and the Student Labor Action Project, “Case Studies: Georgetown University Hunger Strike,” *Student Worker Solidarity Center*, Approximately: July 2005. [Online].


\(^{29}\) Ibid.

\(^{30}\) Ibid.
• Announcing a schedule for increasing wages to the new living wage standard and indexing this wage to inflation; the living wage would apply to Georgetown employees and full-time contract workers on campus.
• Affirming the university’s commitment to a “safe and harassment-free environment” for “everyone in the Georgetown community” – including workers.
• Affirming the right of workers “to freely associate and organize, and that the University will respect the rights of employees to vote for or against union representation without intimidation, unjust pressure, undue delay or hindrance in accordance with applicable law.”
• Committing the university to provide “full-time jobs when possible and part-time or temporary work only when necessary,” and seeking similar commitments from its contractors.
• Establishing a standing committee (the Advisory Committee on Business Practices) to oversee the ongoing implementation of the policy.31

Following the adoption of the Just Employment Policy, the campus saw a number of organizing drives among its contractors. Janitorial workers at P&R Enterprises joined SEIU 32BJ not long after the university adopted the policy, and students provided some support for these efforts.32 The university also made clear that it did not oppose “card-check” union recognition of a union by P&R or its other contractors. “Any of our contractors are free to adopt a card-check (unionization) process if they decide to do so.”33 Then, in 2010 and 2011, with the help of students, food service workers employed by Aramark organized a union with UNITE HERE Local 23.34

A First Test for the JEP
The effort to organize the Aramark workers took place in secret for nearly a year leading up to the public campaign for a union. Student organizers reached out to Aramark workers as those workers were ending their shifts and heading home. Sometimes students met with workers in the workers’ homes or in church basements to talk to them about the power of collective bargaining and how to gain official recognition as a union. Once Aramark workers and Georgetown students publicly announced their intention to gain union representation on campus in January 2011, many workers cited instances of abusive behavior by managers or decisions to cut back the number of working hours for more vocal employees.35

While the Georgetown University administration never directly involved itself in the negotiations between workers and Aramark management, the university administration took steps to ensure that all parties would be guided by the provisions of its JEP, including the protection of a safe and harassment-free workplace. Assistant Vice

33 Ibid.
President for Business Policy and Planning LaMarr Billups and Associate Vice President for Auxiliary Services Margie Bryant sent a letter to Aramark CEO Joseph Neubauer on February 3, 2011 and stressed that Georgetown requires vendors to abide by its Just Employment Policy:

“As you know, Georgetown University’s mission as a Catholic and Jesuit institution includes principles and values that support human dignity in work, and respect for workers’ rights. We expect the leadership of the companies we engage to provide services on our campuses to inform their managers, supervisors and employees of the JEP provisions in a timely manner. … We appreciate the partnership we have enjoyed with Aramark, and urge you to remain open to respectful dialogue with your employees.”

Aramark quickly responded with a statement that the company was “neither anti-union, nor pro-union” and made a point to highlight “that for half a century, Aramark has enjoyed excellent relationships with the 35-plus different unions that represent [its] employees.” Potential conflict in this organizing effort was averted and what followed was a respectful process. By the end of March 2011 workers had voted for a union and Aramark had officially recognized UNITE HERE Local 23 as the representative of their food service workers at Georgetown.

Despite successfully winning recognition for the union, it would be almost another year before the union and Aramark concluded the collective bargaining process and arrived at a contract. Students and workers managed to keep public attention on the importance of a fair contract for workers, and the university policy helped once again to set a tone for the bargaining process. After the conclusion of the negotiations, a university spokesperson noted that the university was “pleased that Aramark and the union worked collaboratively to reach an agreement that honors Georgetown University’s Just Employment Policy.”

**Ongoing Implementation and Enforcement**

The formation of a union and the final union contract agreement with Aramark marked the first major test of the Just Employment Policy. There have been other tests of the policy since then, and the university has continued to stand by its policy and worked to strengthen its enforcement and implementation.

Workers at another food service provider on campus brought wage theft lawsuits against the contractor and business owner in 2010 and in 2012. Ultimately, the contractor settled with workers out of court, but not before the court found that the workers’ claims were legitimate. In the latter case, the business owner pled guilty to criminal contempt of court for violating a court order issued as part of the then-ongoing trials. Students and

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36 Ibid.
37 Ibid.
39 Ibid.
members of the committee responsible for overseeing the Just Employment Policy, called for the university to uphold its policy and to make sure that there were no more abusive practices with this particular vendor. This led to greater financial transparency from the vendor, who shared his payroll records to demonstrate that wage theft was no longer ongoing, and a higher level of scrutiny from the university; the vendor publicly recommitted its business to upholding the values of the policy. 42 Georgetown officials conducted two trainings on the university’s Just Employment Policy with the vendor’s workers to emphasize the rights of workers on Georgetown’s campus.

The university has also posted a short video explaining the Just Employment Policy. 43 The video features senior members of the university administration, faculty members, and students explaining how the policy embodies important elements of the university’s mission. In addition to outlining the policy and its implications for workers at Georgetown, the video also highlights methods for reporting violations of the policy for further investigation by the university. The Advisory Committee on Business Practices released a protocol detailing investigative and reporting mechanism in the last year as well. 44 Adjunct professors relied on the Just Employment Policy during their union organizing drive in 2013 and collective bargaining efforts in 2014. This marked the first time the policy was used by direct employees of the university in advocating for greater representation. During the union organizing drive, the university administration adopted a stance of neutrality and issued public statements recognizing the right of adjuncts to form a union. Adjuncts voted decisively for union representation with SEIU Local 500, and a collective bargaining agreement was reached in late October 2014. 45 After the contract was finalized, both the union and the university administration praised the positive tone of the negotiations. Senior administrators from the university’s bargaining team cited the role of the Just Employment Policy in creating “a foundation for the university’s position in the negotiations because the policy clearly stated the values of the institution.” 46

A Model for Leveraging Anchor Institutions to Address Racial and Economic Justice

The just employment model for universities has particular relevance for students and workers organizing around racial and economic justice issues in their campus communities. The vast majority of food service, security, janitorial, and facilities workers


on university campuses are black or Latino workers. Many of these workers are recent immigrants with limited English language ability. Women make up between 51% and 61% of contingent faculty members nationwide while full-time tenured faculty are 59% male.

Students seeking to organize in solidarity with these workers – workers who are mostly people of color, immigrants, and women – are increasingly highlighting the connection between racial and economic justice in the way their institutions operate. (Of particular note is the current campaign at Duke University to address the hostile work environment for workers of color on campus.)

The approach of creating a just employment model hinges on building a more robust, inclusive, and powerful sense of community within our institutions of higher education through solidarity organizing that mobilizes students and workers for common goals. Critically, a just employment policy enshrines victories for workers rights in an institution’s operating procedures and campus culture. The policy allows students and workers to protect the gains won from successful organizing campaigns and to establish a strong foundation for future efforts.

A group of faculty, students, staff, and workers from schools across the country came together in the fall of 2012 to form the Just Employment Project and develop a model just employment policy that could be used as a template at other schools. The model policy drew from existing policies, like those at Loyola University New Orleans and Georgetown University, but it also provided more comprehensive and specific language that served to clarify parts of the policy. Over the course of the following two years, the model policy went through several rounds of editing and input. The latest version of the model Just Employment Policy and its accompanying guide can be found in the appendix to this paper and online.

The Just Employment Project has conducted trainings and workshops with students, faculty, and workers at a number of schools to explain the model policy, discuss its potential impact on their campuses, and develop strategies for encouraging universities to adopt this policy. Consequently, students, workers, and faculty have led campaigns on multiple campuses calling for a just employment policy based on the model policy:

- At Loyola University Chicago students passed a referendum calling for a living wage and immediate adoptions of a just employment policy; there have been

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49 Initially, this group included members from Loyola University New Orleans, Georgetown University, Loyola University Chicago, St. Joseph’s University, Le Moyne College, and the Ignatian Solidarity Network.
subsequent protests for workers’ rights on campus and to pressure the administration to adopt the policy.\textsuperscript{51}

- At \textit{Loyola Marymount University} students and workers spoke at a conference hosted on LMU’s campus about the importance of adopting a policy that would protect the right of workers to organize unions and provide a living wage.\textsuperscript{52}

- Students at \textit{John Carroll University} in Cleveland rallied for workers to receive a living wage and presented the model policy to their university’s budget committee.\textsuperscript{53} The budget committee voted to approve a living wage requirement, though it has not been implemented yet.\textsuperscript{54}

- Students at the \textit{College of Wooster} held a rally before the college’s Board of Trustees, lining the entrance to the meeting room. The trustees then invited students to present their proposal for a living wage to the board that same day.\textsuperscript{55}

The Just Employment Project has also been showcased at the White House during the Summit on Worker Voice in late 2015\textsuperscript{56} and the Ignatian Family Teach-In for Justice conference.\textsuperscript{57}

\textbf{Conclusion}

The Just Employment Project offers a path forward for workers’ rights at colleges and universities that builds worker power, engages student allies, highlights economic and racial justice issues, and addresses structural challenges to worker organizing in the modern economy. This policy approach is still in its beginning stages on most campuses, but the idea of a just employment policy for colleges and universities positions students and workers to realize their organizing potential within institutions of higher education.

This policy presents an opportunity for making our campuses fairer workplaces and more just communities. The effects of paying living wages, respecting the rights of workers, and including all campus workers can have a ripple effect on the communities, towns, and cities that surround institutions of higher education. Building a better campus community has the potential to impact the rest of society by reducing inequality, enhancing worker voice, and recognizing the dignity of work.


\textsuperscript{52} Panel discussion, “Profit, Purpose, and People: A Path to Sustainable Success,” \textit{Center for Reconciliation and Justice 2015 Symposium}, October 20, 2015. \textit{Online}.


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